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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,476	08/31/2001	Satoru Tange	SHC0146	1537

832 7590 09/23/2002

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EXAMINER

CHAN, SING P

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 09/23/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,476

Applicant(s)

TANGE, SATORU

Examiner

Sing P Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "thermoplastic synthetic fibers" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (WO 9,519,258) in view of Van Gompel et al (U.S. 6,361,527).

Regarding claim 1, Suzuki discloses a method of stretching or activating a web. The method includes stretching the web to activate the web to provide a more elastic stretch to the web, which is advantageous as a elastic topsheet or backsheet of an article, i.e. diaper, in a production line, i.e. a continuous feeding and production process.

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(Page 5, lines 1-8 and Page 12, lines 17-19) The elastic sheet can be stretched to provide a flexible and efficient fitting structure prior to using the elastic sheet in producing a product. (Page 4, line 35 to 38) Suzuki does not disclose a method of bonding the elastic web to a second web by superimposing and jointing the webs in an intermittent manner. Van Gompel et al discloses a method of forming three dimensional pocket garments. The garment is form by superimposing an elastic backsheet and topsheet and connected together using adhesive spot bonding, where the elastic backsheet would provide an elastic and tear resistance properties to the article. (Col 8, lines 43-15 and Col 10, lines 46-63)

It would have been obvious to one skilled in the art at the time the invention was made to bond an elastic backsheet to a topsheet as disclosed by Van Gompel et al in the method of Suzuki to provide an article with elastic and tear resistance properties.

Regarding claim 2, Suzuki discloses the final product is stretched when worn and relaxed when removed. (Page 4, lines 35-36)

Regarding claim 3, Suzuki discloses the topsheet can be non-woven fabrics, which once stretch would disengage to individualized fiber. (Page 9, line 32 to Page 10, line 29)

Regarding claim 4, Suzuki as modified above is silent as to the web comprises two second webs joined to the first web. Van Gompel et al discloses an additional web, i.e. outer covering, to the backsheet. (Col 9, lines 27-29) Where the outer cover and the backsheet allow water vapor to escape but prevent liquid from penetrating the outer

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cover and backsheet. (Col 9, lines 24-45) The topsheet is distinguished from the backsheet by basis weight and density. (Col 10, lines 33-45)

It would have been obvious to one skilled in the art at the time the invention was made to provide two second webs joined to the first web as disclosed by Van Gompel et al in the method of Suzuki to allow water vapor to escape but prevent liquid from penetrating to through the outer cover and backsheet.

Regarding claim 5, Suzuki disclose a film capable of elastic stretch and contraction and made of a thermoplastic synthetic resin. (Page 10, lines 13-18) Suzuki as modified above does not disclose the fabric is capable of elastic stretch and contraction. Van Gompel et al discloses a backsheet material can be stretch thermal laminate of polypropylene cast film and polypropylene spunbond elastic, stretchable, synthetic fibers material. (Col 9, lines 9-21)

It would have been obvious to one skilled in the art at the time the invention was made to provide fabric of elastic, stretchable, synthetic fibers material as disclosed by Van Gompel et al in the method of Suzuki to provide the desired level of liquid impermeability to the backsheet.

Regarding claim 6, Suzuki as modified above does not discloses the thermoplastic synthetic fibers in the second web is continuous. Van Gompel et al discloses the topsheet comprises of thermoplastic synthetic fiber such as polyester or polypropylene, which is melt blown spunbonded web and would be continuous. (Col 10, lines 17-27)

It would have been obvious to one skilled in the art at the time the invention was made to provide thermoplastic synthetic fibers in the topsheet as disclosed by Van Gompel et al in the method of Suzuki to provide the desired level of liquid permeability to help isolate the wearer's skin from the liquid held by the absorbent composite.

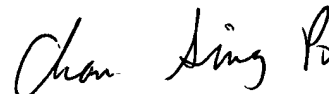
Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

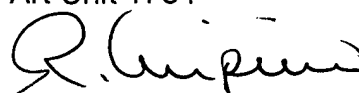
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175. The examiner can normally be reached on Monday-Friday 7:30AM-12:00PM and 1:00PM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Sing P Chan
Examiner
Art Unit 1734



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700